

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROGER I. KARNES,)	
Petitioner)	
)	
vs.)	Civil Action No. 07-364
)	Judge Nora Barry Fischer/
GEORGE PATRICK, Superintendent of)	Magistrate Judge Amy Reynolds Hay
S.C.I. Houtzdale; THE DISTRICT)	
ATTORNEY OF THE COUNTY OF)	
LAWRENCE; PA STATE ATTORNEY)	
GENERAL,)	
Respondents)	

ORDER


AND NOW, this 30th day of April, 2009, after the Petitioner, Roger I.

Karnes, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until April 27, 2009, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the habeas petition filed pursuant to 28 U.S.C. § 2254 is dismissed as time barred,

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.


NORA BARRY FISCHER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Roger I. Karnes
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All Counsel of Record by electronic filing